

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TIMME A. BAKER,

Petitioner,

v.

OPINION AND ORDER

23-cv-422-wmc¹

UNITED STATES OF AMERICA,

Respondent.

Petitioner Timme Baker is serving a term of supervised release, and he seeks post-conviction relief under 28 U.S.C. § 2241. Baker contends that under the First Step Act of 2018 (“FSA”), he may be entitled to apply earned credits to shorten his term of supervised release. This petition is before the court for preliminary review pursuant to Rule 4 of the Rules Governing Section 2254 Cases, which applies to petitions under § 2241. *See* Rule 1(b), Rules Governing Section 2254 Cases.

“Parole is a form of ‘custody,’ so it is proper to use § 2241 to contest its continuation.” *See Valona v. United States*, 138 F.3d 693, 695 (7th Cir. 1998). But I must deny this petition. Federal law provides that any FSA credits that Baker has remaining since his release cannot be used to shorten the period of his supervised release, so I will deny his petition. 28 C.F.R. § 2.35(b) (“Once an offender is conditionally released from imprisonment, either by parole or mandatory release, the good time earned during that period of imprisonment is of no further effect either to shorten the period of supervision or to shorten the period of imprisonment which the offender may be required to serve for violation of parole or mandatory release.”); *see also Zimmer v. Marske*, No. 21-cv-284-jdp, 2022 WL 4016623, at *1 (W.D. Wis. Sept. 2, 2022)

¹ I am exercising jurisdiction over this case for purposes of screening only.

(“I cannot use the earned-time credit that the BOP allegedly unlawfully failed to give Zimmer before his release to reduce his term of supervised release retroactively.”) (citations omitted).

ORDER

IT IS ORDERED that:

1. Petitioner Timme Baker’s petition under 28 U.S.C. § 2241 is DENIED, and this matter is dismissed.
2. The clerk of court is directed to close this case.

Entered August 31, 2023.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge